S.B. CIVIL WRIT PETITION NO. 6032/2006.
(BHANWAR LAL MEGHWAL VS. STATE & ORS.)

DATE OF ORDER : 17.10.2006.

HON'BLE MR. GOVIND MATHUR, J.

Mr. Mukesh Rajpurohit for the petitioner.

By this petition for writ, a challenge is given to the judgment dated 05.10.2006 passed by the Rajasthan Civil Services Appellate Tribunal rejecting the appeal preferred by the petitioner giving challenge to the order dated 22.08.2006 passed by the Assistant Director, Agriculture Extension, Zila Parishad, Pali.

By the order aforesaid, the petitioner is relieved from the post of Agriculture Supervisor being transferred under the order dated 15.07.2005. Learned Tribunal while rejecting the appeal preferred by the petitioner held that the petitioner was transferred under the order dated 15.07.2005 in administrative exigency and the order of relieving is consequential thereto, as such there is no illegality in it. The Tribunal further held that the petitioner is in Pali from last number of years and, therefore, the order of transfer is also not having any essence of arbitrariness.

Heard counsel for the petitioner.

The contention of counsel for the petitioner while giving challenge to the judgment impugned is that the learned Tribunal failed to appreciate that there was no administrative exigency in relieving the petitioner under the order dated 22.08.2006 after a lapse of 13 months from the date of the order dated 15.07.2005.

It is not at all in dispute that the petitioner under the order dated 15.07.2005 was transferred from Sadri, District Pali to Neembaj in Tehsil Revdar, District Sirohi. The order relieving the petitioner is only an order consequent thereto. The petitioner though relieved in pursuant to the order of transfer after a lapse of 13 months, but it does not mean that the order of transfer has lost its currency. The administrative exigency is required to be seen while effecting transfer and not at the time of relieving an employee subjected to transfer.

I do not find any error in the judgment impugned that may warrant interference by this Court under Article 226 and 227 of the Constitution of India.

Accordingly, this petition for writ is dismissed.

(GOVIND MATHUR)J.

Anil/